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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898,295	07/02/2001	Ryan Hoobler	4244 P	2248

7590 06/28/2005

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EXAMINER

LIU, SHUWANG

ART UNIT PAPER NUMBER

2634

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/898,295	Applicant(s) HOOBLER, RYAN	
	Examiner Shuwang Liu	Art Unit 2634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 February 2005.
 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 13-15 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
 * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. The allowance for claims 13-15 is withdrawn because a new reference is found for the rejection as follows.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 13 is rejected under 35 U.S.C. 102(b) as being anticipated by Yamazaki et al. (US 5,337,348).

As shown in figures 1, 8, 10 and 11, Yamazaki et al. discloses a method of synchronizing the digital transmission of analog modem signals, comprising:

generating a recreation clock signal from a received start bit of an asynchronous transmission (column 9, line 68-column 10, line 21);

detecting said received start bit (column 9, line 68-column 10, line 21);

receiving said start bit and a digital data signal serially from a transmission medium (column 3, lines 12-29);

converting said received digital data signal to an analog format (column 10, lines 41-53 and see 223 in figure 11); and

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transmitting a second digital data signal (output from 221) via a return path (between 221 and 223).

4. Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamazaki et al. in view of Tyroler (US 6,320,941).

Yamazaki et al. discloses all of the subject matter as applied to claim 1 above. However, Yamazaki et al. does not disclose that (1) the communication channel is an AC power line as recited in claims 2 and 8; and (2) the communication channel is a RF communication channel as recited in claims 3 and 9.

Tyroler teaches a communication system as shown in figure 1 with different interfaces (74) so as to provide a communication channel from any of the followings: analog telephone channel, digital telephone channel, cable channel, RF channel, AC power line channel and satellite channel (column 3, line 57-column 4, line 3 and column 7, lines 23-26).

(1) With respect to claim 14, one skilled in the art would have clearly recognized that AC power lines exist in almost all the buildings. It is desirable to use the existing AC power line in the buildings to provide data transmission in order to reduce the cost for wiring another new line as the communication channel. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have the AC power line interface (74B in figure 1) of Tyroler in the communication system of Yamazaki et al. because such feature provides the communication channel at lower cost; and

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(2) With respect to claim 15, it is desirable to use a wireless communication channel (RF) in the data communication in order to reduce cost and provide flexibility in the communication. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to use RF channel as taught by Tyroler in the communication system of Yamazaki et al. so as to reduce cost and provide a flexibility in the communication.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shuwang Liu whose telephone number is 571 272-3036. The examiner can normally be reached on M-F, 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Chin can be reached on 571 272-3056. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Shuwang Liu
Primary Examiner
Art Unit 2634

June 22, 2005